

REMARKS/ARGUMENTS

Claims 1, 2, 4-7, and 21-24 are pending in the application. Claims 1, 4 and 21- 24 are amended. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein are made to more clearly communicate the claimed invention originally presented and not for the purpose of overcoming alleged prior art. The issues within the Office Action will now be addressed in order of their appearance.

CLAIM REJECTIONS--35 U.S.C. § 112

The Office Action rejected Claims 1-24 under 35 U.S.C. §112 (Office Action, Page 4, Section 12), but specifically mentioned only Claims 6 and 22. Claim 22 has been amended. Applicant can see not what is wrong with Claim 6. FIGS. 6A and 6B disclose an allocation bandwidth device 500. Allocation bandwidth parameters are supported within the spec at least at page 7, line 31 through page 8, line 4. Applicant also discloses an allocator 512 which is described at least on page 17 in connection with FIG. 12. Thus, the rejection of Claim 6 is unclear and should be withdrawn.

CLAIM REJECTIONS--35 U.S.C. § 102

Claims 21 and 24 were rejected under 35 U.S.C. § 102. These Claims have been amended to recite, among other things, each class of the plurality of data classes corresponding to a node in a hierarchical policy tree. More detail about these features can be found at least on pages 10, 12-13, and FIG. 7 of Applicant's specification. More information about what happens when a data stream terminates can be found at least on the end of page 17 through the beginning of page 18 of Applicant's specification.

Such features are not found in any combination of the prior art asserted thus far. Accordingly, the rejection under 35 U.S.C. § 102 is invalid and should be withdrawn.

CLAIM REJECTIONS--35 U.S.C. § 103

Claims 1, 2, 4-7, 22, and 23 stand rejected under 35 U.S.C. § 103 as being allegedly obvious over U.S. Patent No. 6,757,277 (Shaffer et al.) in view of U.S. Patent No. 6,046,980 (Packer). This rejection is respectfully traversed.

Various of these claims have been amended to recite, among other things, each class of the plurality of data classes corresponding to a node in a hierarchical policy tree.

Claims 21 and 24 were rejected under 35 U.S.C. § 102. These Claims have been amended to recite, among other things, each class of the plurality of data classes corresponding to a node in a hierarchical policy tree. More detail about these features can be found at least on pages 10, 12-13, and FIG. 7 of Applicant's specification. More information about what happens when a data stream terminates can be found at least on the end of page 17 through the beginning of page 18 of Applicant's specification.

Such features are not found in any combination of the prior art asserted thus far. Accordingly, the rejection under 35 U.S.C. § 103 is invalid and should be withdrawn.

The dependent claims are believed to be allowable based on their incorporation of limitations from the Independent claims, as well as additional limitations that distinguish over cited art. Further, the dependent claims introduce additional features that render them patentable over the prior art. However, due to the fundamental differences already identified, separate arguments are not provided at this time.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by e-mail or telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: May 16, 2008

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